

### REMARKS

Applicants respectfully requests entry of the amendments and remarks submitted herein. Applicants thank the Examiner for the telephone conference of August 12, 2003. As agreed upon, Applicants herein provide a summary of the arguments presented in the telephone conference. Also as discussed, Applicants have amended claim 14, and canceled claim 15. Therefore, claims 7-9, 11-14, and 40-48 are currently pending. Reconsideration and allowance of the pending application is respectfully requested.

#### The 35 U.S.C. §112 Rejections

Claims 7-9, 11-15 and 40-48 stand rejected under 35 U.S.C. §112, first paragraph, because the Examiner asserted that the specification, while being enabling for methods involving ECE-1a and ECE-1b, does not reasonably provide enablement for such methods involving any ECE polypeptides. This rejection is respectfully traversed.

In the telephone conference of August 12, 2003, Applicants discussed and reiterated the arguments presented in the Response of November 15, 2002. Applicants discussed the experiments performed with ECE-1a and -1b, and the relationship between ECE-1a, -1b, -1c, and -1d. Applicants discussed the experiments performed with soluble ECE, and with the ECE-2 knockout mice. Applicants also discussed the lengthy list of known ECE enzymes disclosed in the specification, as well as the disclosure provided on how to identify polypeptides as ECE polypeptides.

Applicants discussed the standards of enablement, and indicated that with the amount of direction and guidance provided by the specification, particularly in the form of working examples, the pending claims are enabled for ECE polypeptides.

Applicants thank the Examiner for considering the arguments presented regarding enablement. Applicants also thank Examiner Eyler and Examiner Ulm for reviewing this case for enablement. The Examiner indicated in a phone call of August 15, 2003 that all three Examiners believed the claims to be enabled. In light of this, Applicants respectfully submit that

Applicant : Christopher Eckman et al.  
Serial No. : 09/824,924  
Filed : April 3, 2001  
Page : 5 of 5

Attorney's Docket No.: 07039-235001

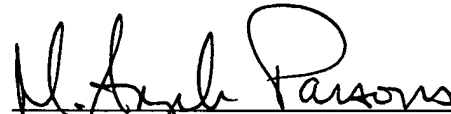
the rejection of claim 15 is moot, and request that the rejection of claims 7-9, 11-14 and 40-48 under 35 U.S.C. §112 be withdrawn.

CONCLUSIONS

Enclosed is a \$55 check for the Petition for One-Month Extension of Time fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: August 27, 2003



M. Angela Parsons, Ph.D.  
Reg. No. 44,282

Fish & Richardson P.C., P.A.  
60 South Sixth Street, Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (612) 288-9696